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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,381	07/01/2005	Akitoshi Yamada	00862.023429	6303
5514	7590	08/25/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			HENN, TIMOTHY J	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2622	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/541,381

Applicant(s)

YAMADA ET AL.

Examiner

Timothy J. Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-17, 24-27 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Niida et al. (EP 0938218 A2).

#### **[claim 14]**

Regarding claim 14, Niida discloses an image supply device used in a recording system in which the image supply device and a recording apparatus communicate with each other via a communication interface, and image data is transmitted from the image supply device to the recording apparatus and recorded (Figure 1) comprising: command issuing means for issuing a predetermined command to the recording apparatus (Figure 1, Item 109; Figures 4A-4C); reception means for receiving a signal from the recording apparatus after said command issuing means issues the predetermined command (Figure 1, Item 109; Figures 4A-4C); determining means for determining whether the signal received by the reception means is a response corresponding to the predetermined command and control means for controlling an issuing timing of a next command to the recording apparatus in a case where said determination means determines that the signal is not the response corresponding to the predetermined

command (Figure 11; Paragraphs 0195-0223).

**[claim 15]**

Regarding claim 15, Niida discloses a control means which delays the issuing timing of the next command by a predetermined time period (Figure 11; Paragraphs 0195-0223).

**[claim 16]**

Regarding claim 16, Niida discloses changing the reply period depending on whether an error has occurred in transmission. The examiner notes that since errors randomly occur in transmissions, the time period will be randomly changed (i.e. immediately sending the next command or waiting a time period if an error occurs).

**[claim 17]**

Regarding claim 17, Niida discloses waiting a time period whenever an error occurs in transmission (i.e. the signal is not the response corresponding to the predetermined command). Every time an error occurs, the time period starts over (i.e. is updated) and the system waits for the time period to expire prior to sending the next command (i.e. retrying; Figure 11, Paragraphs 0195-0223).

**[claims 24-27]**

Claims 24-27 are method claims corresponding to apparatus claims 14-17. Therefore, claims 24-27 are analyzed and rejected as previously discussed with respect to claims 14-17.

**[claims 31-34]**

Claims 31-34 are method claims corresponding to apparatus claims 14-17.

Therefore, claims 31-34 are analyzed and rejected as previously discussed with respect to claims 14-17.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-21, 24-27 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 2001/0048534 A1) in view of Niida et al. (EP 0938218 A2).

**[claim 18]**

Regarding claim 18, Tanaka discloses a recording apparatus used in a recording system in which an image supply device and the recording apparatus communicate with each other via a communication interface, and image data is transmitted from the image supply device to the recording apparatus and recorded (Figure 1), comprising: command issuing means for issuing a predetermined command to the image supply device (Figure 5, Item 136; Figure 8) and reception means for receiving a signal from the image supply device after the command issuing means issues the predetermined command (Figure 5, Item 136; Figure 8). However, Tanaka does not disclose a determination means or control means as claimed.

Niida discloses a communication system including a determining means for determining whether the signal received by the reception means is a response corresponding to the predetermined command and control means for controlling an issuing timing of a next command to the recording apparatus in a case where said determination means determines that the signal is not the response corresponding to the predetermined command (Figure 11; Paragraphs 0195-0223). Niida further discloses that by implementing the disclosed communication system more secure communication can be assured, a busy state of the destination node is prevented from occurring frequently and a deadlock can be prevented (Paragraph 0223). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a determination means and control means as disclosed by Niida in the system of Tanaka to assure secure communication and prevent a frequent busy state of the destination node and deadlock.

**[claim 19]**

Regarding claim 19, Niida discloses a control means which delays the issuing timing of the next command by a predetermined time period (Figure 11; Paragraphs 0195-0223).

**[claim 20]**

Regarding claim 20, Niida discloses changing the reply period depending on whether an error has occurred in transmission. The examiner notes that since errors randomly occur in transmissions, the time period will be randomly changed (i.e.

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immediately sending the next command or waiting a time period if an error occurs).

**[claim 21]**

Regarding claim 21, Niida discloses waiting a time period whenever an error occurs in transmission (i.e. the signal is not the response corresponding to the predetermined command). Every time an error occurs, the time period starts over (i.e. is updated) and the system waits for the time period to expire prior to sending the next command (i.e. retrying; Figure 11, Paragraphs 0195-0223).

**[claims 24-27]**

Claims 24-27 are method claims corresponding to apparatus claims 18-21. Therefore, claims 24-27 are analyzed and rejected as previously discussed with respect to claims 18-21.

**[claims 35-38]**

Claims 35-38 are method claims corresponding to apparatus claims 18-21. Therefore, claims 35-38 are analyzed and rejected as previously discussed with respect to claims 18-21.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJH  
8/19/2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER